

CONSTITUTION OF THE CALIFORNIA VALLEY MIWOK TRIBE OF THE SHEEP RANCH RANCHERIA

PREAMBLE

We, the members of the California Valley Miwok Tribe of the Sheep Ranch Rancheria, in memory of our ancestors, and for the benefit of ourselves and future generations, do hereby adopt this Constitution for the purpose of organizing a tribal government under an elected tribal council and for the following additional purposes:

Preserving and protecting the rights, values, culture, traditions, language, arts and crafts, and archeological sites, of our Tribe and other Miwok peoples.

Preserving and exercising all the inherent sovereign rights and powers of an Indian tribe, including conduct of government-to-government relations with the United States Government, the State of California and other public entities.

Developing tribal resources, acquiring a tribal land base, and promotion of educational and commercial opportunities, in order to promote self-sufficiency and for the social and economic betterment of all members of the Tribe and its future generations.

ARTICLE I. SUPERSEDURE

This Constitution is an extension of and replaces the tribal constitution of December 11, 1999, and all prior amendments and additions thereto.

ARTICLE II. NAME OF THE TRIBE

The name of our Tribe henceforth shall be the California Valley Miwok Tribe of the Sheep Ranch Rancheria. The Tribe has been previously identified as the "California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)" by the Department of the Interior Bureau of Indian Affairs in its notices entitled "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs," as published from time to time in the Federal Register.

ARTICLE III. TERRITORY AND JURISDICTION

Section 1. **Territory.** The territory of the Tribe shall include, to the fullest extent possible consistent with Federal law, all lands, water, property, airspace, surface rights, subsurface rights and other natural resources in which the tribe has any interest and which are owned or acquired in the future by the United States for the exclusive or non-exclusive benefit of the Tribe or for any individual member of the Tribe, or which are located within the boundaries of a reservation which may be established for the Tribe, notwithstanding the issuance of any right-of-way. The jurisdiction of the Tribe shall extend to all land hereafter acquired or set aside in trust by the United States for the Tribe

or any member thereof and to all persons within the geographical area that is subject to the jurisdiction and governmental authority of the Tribe. Jurisdiction over the Tribe's territory is subject to Federal law.

Section 2. **Jurisdiction.** Except as prohibited by Federal law the Tribe shall have jurisdiction over all tribal members and over all persons, subjects, property and all activities occurring within its territories defined by this article. Nothing in this article shall be constructed to the ability of the Tribe to exercise its jurisdiction, based upon its inherent sovereignty as an Indian tribe.

Section 3. **Headquarters.** The headquarters of the Tribe is the site of the Tribe's historic rancheria at Sheep Ranch, California. However, the Tribal Council may relocate the Tribe's headquarters to another location owned by the Tribe in fee or owned by the United States in trust or otherwise on behalf of the Tribe.

ARTICLE IV. MEMBERSHIP

Section 1. **Membership.** The membership of the Tribe shall consist of the following persons:

(a) **Original enrollees.** Persons who have been determined by the Bureau of Indian Affairs, United States Department of the Interior, prior to the effective date of this Constitution, or subsequently by the Tribal Council, to be lineal descendents of persons named below in any of the following records:

1. August 13, 1915, Census of Indians at or near Sheepranch, Calaveras County, California, which listed the following:

- (i). Peter Hodge
- (ii). Annie Hodge
- (iii). Malinda Hodge (Daughter of Peter and Annie Hodge)
- (iv). Lena Hodge (Daughter of Peter and Annie Hodge)
- (v). Tom Hodge (Son of Peter and Annie Hodge)
- (vi). Andy Hodge (Son of Peter and Annie Hodge)
- (vii). Jeff Davis
- (viii). Betsey Davis
- (ix). Mrs. Limpey
- (x). John Tecumchey
- (xi). Pinkey Tecumchey
- (xii). Mamy Duncan (Granddaughter of Jeff Davis)

2. June 6, 1935, Approved List of Voters for Indian Reorganization Act of Sheep Ranch Rancheria, Calaveras County, California, which listed Jeff Davis

3. August 11, 1964, Approved Plan for Distribution of the Assets of the Sheep Ranch Rancheria, in accordance with provisions of Public Law 85-671, approved August 18, 1958, and amended by Public Law 88-419, which listed Mabel Hodge Dixie.

(b) **Elective members.** The General Council may admit to membership in the Tribe persons meeting any of the following criteria :

1. Any person (not designated in subsection (a)) who lived on the Sheep Ranch Rancheria for a period not less than two full years between 1915 and the distribution of the land included within the Rancheria to Mable Hodge Dixie in 1967, and any lineal descendent of such a person.
2. Any person who is a lineal descendent of a Miwok family with historic ties to the area described within the boundaries of Calaveras County in the State of California.
3. Any other person approved by the Tribal Council for adoptive membership.

(c)(1) **Membership disqualification: withholding tribal property.** Persons who have had possession or control of property belonging to the Tribe shall not be eligible for admission to membership in the Tribe under subsection (b) of this Paragraph 3, unless the Tribal Council determines that all such property has been voluntarily transferred to the possession or control of the Tribal Council. The Tribal Council's determination shall be made by approval of a written resolution identifying the property and stating that the Tribal Council has assumed possession or control of the property.

(2) Paragraph 1 of this subsection (c) does not apply to property that is no longer in the possession or control of the person applying for membership in the Tribe under subsection (b), unless the property was misused for personal purposes, in which case the person shall make restitution to the Tribe of the value of the property as a precondition to becoming eligible for membership.

(d) **Children of members.** Any child born to a member who is listed upon the membership roll of the Tribe at the time of the child's birth shall be a member of the Tribe and the name of the child shall be entered upon the membership roll. The Tribal Council may approve membership of a child under 18 years of age adopted by a member listed upon the membership roll.

Section 2. Enrollment and membership roll. The official membership roll shall be prepared and updated at least annually in accordance with an Enrollment Ordinance adopted by the Tribal Council. The Enrollment Ordinance shall contain provisions for enrollment procedures consistent with this Constitution. The Tribal Council shall provide a copy of the official membership roll to any member of the General Council upon request.

Section 3. Loss of membership. The Tribal Council shall remove from the tribe's membership roll the name of any person who voluntarily relinquishes his or her membership in the Tribe in accordance with such procedures or who otherwise becomes disqualified for membership in accordance with this Constitution.

(a) **Voluntary relinquishment.** All voluntary relinquishments of membership in the tribe

shall be done in writing in accordance with the procedures established by the Enrollment Ordinance.

(b) **Membership in another tribe.** Any member of the Tribe who is or becomes a member of any other federally recognized Indian tribe, band or group shall be disenrolled by the Tribal Council in accordance with the procedures established by the Enrollment Ordinance. However, this subsection shall not apply to any person under the age of 18 years who becomes a member of another federally recognized tribe, unless such person continues membership in the other tribe following the person's eighteenth birthday.

(c) **Failure to meet membership criteria.** If the Tribal Council determines, subsequent to the enrollment of any member, that the member fails to meet the criteria upon which membership was granted pursuant to Section 1 of this Article IV, the Tribal Council shall disenroll the member, subject to a right of appeal to the General Council in accordance with procedures established by the Enrollment Ordinance. The disenrollment shall not become final while such an appeal is pending.

(d)(1) **Disenrollment for cause.** It is the policy of the Tribe that disenrollment of a member shall only be permitted for severe violations of the laws or customs of the Tribe that seriously disrupt tribal affairs or the continued affinity of the membership or which subject the Tribe to disrepute. Cause for disenrollment under this subsection shall be further defined with specificity in the Enrollment Ordinance.

(2) **Ex post facto prohibited.** . No member may be disenrolled for cause specified by an amendment to the Enrollment Ordinance occurring after the member's actions constituting such cause.

Section 4. **Appeals.** Decisions of the Tribal Council concerning an application for enrollment or the disenrollment of a member of the Tribe may be appealed to the General Council. However, persons failing to meet the criteria for membership in the Tribe, as prescribed by or pursuant to this Constitution, shall not be granted membership or restored to membership by the General Council.

Section 5. **Membership categories.** This Constitution may be amended to designate various classes of membership in the Tribe, including nonvoting memberships.

ARTICLE V. GENERAL COUNCIL

Section 1. **Composition of the General Council.** The General Council shall consist of all enrolled members of the Tribe who are 18 years of age or older.

Section 2. **Quorum and voting.** At a properly noticed meeting of the General Council those in attendance shall constitute a quorum and may conduct the business of the General Council. The General Council may take action, including election of tribal officials, by a vote of a majority of those present and voting, except that a vote of a

majority of the total membership of the General Council shall be required to reverse a decision of the Tribal Council upon any appeal permitted under this constitution.

Section 3. **Presiding officer.** The Tribal Chairperson shall serve as presiding officer during meetings of the General Council. If there is no Tribal Chairperson, the General Council, as a first order of business, shall select one of its members to serve as the presiding officer during that meeting.

Section 4. **Regular meetings.** The General Council shall meet once each calendar year at a date, time and place, which shall be designated by the Tribal Council. The Tribal Council shall mail notice of the regular annual meeting to each member of the General Council not less than 30 nor more than 60 days in advance of the annual meeting.

Section 5.(a) **Special meetings.** The Tribal Council may call special meetings of the General Council as necessary. The Tribal Council shall mail notice of a special meeting to each member of the General Council not less than 15 nor more than 30 days in advance of the meeting. The notice of any special meeting of the General Council shall include an agenda, as determined by the Tribal Council. The General Council may take action at a special meeting only upon matters identified in the agenda mailed with the notice of the meeting.

Section 6. **Urgent meetings.** A meeting of the General Council to conduct urgent business shall be convened upon the request of twenty-five percent of the members of the General Council. An urgent meeting shall be noticed as provided in Section 7 of this Article V, but may be noticed by the proponents of the meeting if the Tribal Council and Tribal Chairperson fail to properly notice the meeting. The notice shall include an agenda. An urgent meeting may be called for any time not less than 10 days nor more than 30 days following the mailing of notice of the meeting. The General Council may take action at an urgent meeting only upon matters identified in the agenda mailed with the notice of the meeting.

Section 7. **Notice of meetings.** The Tribal Council, if necessary, the Tribal Chairperson shall provide notice of each annual, special or urgent meeting of the General Council by first class mail, postage prepaid, addressed to the last known address of each member of the General Council as shown upon the most recent membership roll. The notice of any meeting shall specify the date, time and place of the meeting. The notice of any meeting at which an election will be conducted shall include a copy of the applicable resolution of the Tribal Council prescribing election procedures.

Section 8. **Location of meetings.** Unless approved by a 2/3 vote of the membership of the Tribal Council, all meetings of the General Council shall be held at the headquarters of the Tribe.

Section 9. **Powers of the General Council.** The General Council shall have the following powers:

(a) **Elections.** To elect members of the Tribal Council and a Tribal Chairperson.

(b) **Removal** To remove members of the Tribal Council from office for incompetence, neglect of duty or other good cause upon a vote of a majority of the total membership of the General Council.

(c) **Appeals.** To hear and decide appeals from decisions of the Tribal Council as to matters for which such appeal rights are granted by this Constitution.

(d) **Residuary authority.** The General Council shall have all powers and authority except those that it specifically delegates to the Tribal Council in this constitution. Any rights and powers vested in the Tribe, but not expressly conferred upon the governing body by the constitution, shall not be abridged but shall be reserved to the members of the General Council.

Section 8. **Nonvoting members.** If nonvoting categories of membership in the Tribe are created, those nonvoting members shall be members of the General Council and shall be entitled to attend meetings and speak on issues before the General Council, but may not vote on measures before the General Council. Nonvoting members shall be ineligible to serve as members of the Tribal Council.

Section 8. **Continued meetings.** The General Council may adjourn a regular, special or urgent meeting from time to time to resume at a date, time and location certain. Unless impracticable, notice of continuance of a meeting of the General Council shall be provided to all members of the General Council by first class mail. The General Council shall assign responsibility for providing such notice.

ARTICLE VI. ELECTIONS

Section 1. **Elections.** The General Council shall conduct elections for the Tribal Chairperson and elective members of the Tribal Council every two years. Except as necessary to fill vacancies occurring prior to expiration of a term, elections shall be conducted at regular meetings of the General Council.

Section 2. Elections shall be conducted by secret ballot in accordance with procedures which shall be prescribed by resolution of the Tribal Council adopted on or before the date notice of the regular General Council meeting is mailed. All qualified candidates for the Tribal Council or Tribal Chairperson shall be entitled to address the General Council. The General Council shall provide ample time for discussion and debate.

ARTICLE VII. THE TRIBAL COUNCIL AND OFFICERS

Section 1.(a) **Governing body.** The governing body of the Tribe is the Tribal Council consisting of the Tribal Chairperson and four other members.

(b) Yakima K. Dixie is the eldest survivor of tribal members last residing upon the Sheep Ranch Rancheria and is identified by the local Miwok community as the hereditary leader of the Tribe. In recognition of this status and his contribution to organizing the

Tribe, Yakima Dixie shall serve as a member of the Tribal Council during his lifetime, and thereafter the position shall be filled by election.

Section 2. Initial Tribal Council. The initial General Council consisting of descendants of persons listed in subsection (a) of Section 1 of Article IV of this Constitution shall also serve as the initial Tribal Council and shall admit other persons to membership in the Tribe as it shall determine in accordance with the criteria set forth in this Constitution. The initial Tribal Council shall serve for one year following its receipt of written notice of its recognition to conduct government-to-government relations with the United States. The initial Tribal Council shall adopt resolutions and ordinances as necessary for the conduct of tribal affairs, including the establishment of the date, time and place for the initial regular meeting of the General Council and election procedures.

Section 3. Term. Except for the initial Tribal Council, the Tribal Chairman and each other elected member of the Tribal Council shall serve for terms of two years or until their successors have been elected by the General Council.

Section 4. Vacancies. Whenever a vacancy occurs in the office of Tribal Chairman or any other member of the Tribal Council prior to the expiration of the term of office, the Tribal Council shall as soon as possible notice a special meeting of the General Council to fill the vacancy for the remainder of the unexpired term. The Tribal Council may, however, defer the election until the next regular meeting of the General Council if the regular meeting has been scheduled for a date not more than 90 days following the vacancy.

Section 5. Quorum and voting. Three members of the Tribal Council shall constitute a quorum for the conduct of business. All actions of the Tribal Council shall require the vote of at least three members, except that, a quorum being present, a majority of those members in attendance may take action to notice an election.

Section 6. Powers. The Tribal Council shall have all of the following powers:

(a) To conduct relations on behalf of the Tribe with other governments; to negotiate with the Federal, State, and local governments; and to obtain such approvals from the United States Secretary of the Interior as may be required by federal law for actions within the scope of authority of the Tribal Council.

(b) To adopt resolutions and ordinances within the scope of the Tribe's sovereign authority as an Indian nation.

(c) To manage the economic affairs of the Tribe, including authority to enter into contracts and submit grant applications.

(d) To commence or defend litigation on behalf of the Tribe and its interests in any court of competent jurisdiction.

- (e) To appropriate funds in the Tribe's treasury and prepare budgets for allocation of resources of the Tribe.
- (f) To levy taxes and license fees.
- (g) To exclude unauthorized persons from lands within the jurisdiction of the Tribe.
- (h) To establish, or cooperate with one or more other Indian tribes in California in establishing, tribal courts for the purpose of exercising authority delegated by the Tribal Council with the approval of the General Council.
- (i) To acquire, encumber, and dispose of property on behalf of the Tribe and to regulate the use of the Tribe's property.
- (j) To charter and regulate subordinate organizations and cooperative associations.
- (k) To regulate domestic relations.
- (l) To appoint guardians.
- (m) To encourage arts and crafts.
- (n) To regulate tribal elections consistent with this Constitution.
- (o) To determine the procedures for the Tribal Council.
- (p) To acquire property and accept gifts on behalf of the Tribe;
- (q) To adopt, and amend from time to time, ordinances to ensure complete jurisdiction is available to the Tribe under the Indian Child Welfare Act of 1978, 25 U.S.C. 1901 et seq.
- (r) To establish and participate in educational programs and activities for the benefit and welfare of the Tribe
- (s) To employ or contract for such attorneys and other assistants, and to appoint committees, as may be as necessary for the conduct of its business,
- (t) To exercise all other functions assigned to the Tribal Council by this Constitution.

Section 7. Tribal Chairperson. The Tribal Chairman shall have all of the following responsibilities:

- (a) To preside at meetings of the Tribal Council and General Council.
- (b) To conduct day-to-day business as may be directed or delegated by the Tribal

Council.

Section 8. **Secretary.** The Tribal Council shall appoint one of its members or any other member of the General Council to serve as Secretary. The Secretary shall keep the minutes of the meetings of the Tribal Council and the General Council, take roll call at all meetings, prepare resolutions and ordinances, attend to the correspondence of the Tribal and General Council, maintain the official records of the Tribe, maintain and keep current the tribe's eligible voter list, certify the enactment of all resolutions and ordinances of the Tribal Council.

Section 9. **Treasurer.** The Tribal Council shall appoint one of its members or any other member of the General Council to serve as Treasurer. The Treasurer shall be bonded at the expense of the Tribe and shall have care and custody of all valuables for the tribe and deposit all money in an approved depository. The Treasurer shall disburse all funds as ordered by the Tribal Council by check to be co-signed by the Tribal Chairperson. The Treasurer shall maintain financial accounts, receipts, and records, which shall be available for inspection by members of the Tribal Council and General Council. All financial records of the Tribe shall be audited as may be directed by the Tribal Council. The Treasurer shall be responsible for the preparation of the annual budget, and together with the Tribal Chairperson present it to the Tribal Council for approval. Under the supervision of the Chairperson, the Treasurer is in charge of all employees, boards, commissions, committees responsible for accounts of the tribe.

ARTICLE VIII. CIVIL RIGHTS

The Tribe, in exercising its powers of self-government, shall adhere to all provisions of the Indian Civil Rights Act of 1968, as amended.

ARTICLE IX. AMENDMENT

Section 1. **Approval requirement.** Amendments to this Constitution may be proposed and approved as provided in this Article IX. All amendments to the Constitution shall require the approval of a majority of the total membership of the General Council.

Section 2. (a) **Tribal Council proposals.** The Tribal Council may propose amendments to the Constitution by submitting its proposed amendments to the General Council.

(b) Ten or more members of the General Council may propose amendments to the Constitution by submitting a request and amendment language to the Tribal Council, in which case the Tribal Council shall submit the proposed amendments to the General Council for consideration at its next regular meeting, or may call a special meeting of the

General Council.

Section 3. The notice of any meeting of the General Council at which proposed amendments are to be considered shall contain the language of the proposed amendments and a brief description of the purpose and effect of the proposed amendments. If the proposed amendments are submitted by the Tribal Council, it shall submit the description. If the the proposed amendments are submitted by proponent members of the General Council, the proponents shall submit the description.

ARTICLE X. ADOPTION

This Constitution shall become effective when approved in writing by a majority of the persons identified by the United States Department of the Interior, Bureau of Indian Affairs, in accordance with its procedures assisting organization of the Tribe, during the calendar year 2007 as descendents of persons identified in subsection (a) of Section 1 of Article IV hereof.